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Date: 3-11-78

By 025

SUBJECT: Employment Review Board and Procedures

(This rescinds A [redacted] dated 10 Oct. 1947)

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1. Sub-paragraph (c) of Section 102, National Security Act of 1947 (Public Law 253 - 80th Congress), is quoted below:

"Notwithstanding the provisions of section 6 of the Act of August 24, 1942 (37 Stat. 555), or the provisions of any other law, the Director of Central Intelligence may, in his discretion, terminate the employment of any officer or employee of the Agency whenever he shall deem such termination necessary or advisable in the interests of the United States, but such termination shall not affect the right of such officer or employee to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the United States Civil Service Commission."

2. This section was enacted to enable the CIA to maintain high personnel standards essential to a national intelligence agency.

3. To provide an impartial review, and advice to the Director in the just and equitable exercise of his discretionary power under the Act quoted above, an Employment Review Board is hereby appointed to consist of:

Executive Director	-- Chairman
Chief, Advisory Council	-- Member
Chief, ICAPS	-- Member
Executive for Administration and Management	-- Member
General Counsel	-- Law member without vote
Executive for Inspection and Security	-- Advisor to the board without vote
Assistant to the Executive Director	-- Recorder without vote
Assistant to the Chief, Advisory Council	-- Alternate Recorder without vote
Each Assistant Director	-- Alternate members to sit with the Board at the discretion of the chairman should three regular voting members not be available.

4. a. Every case involving involuntary termination of a CIA employee will be forwarded by the head of the appropriate Office or Staff Section to the Chief, Personnel Branch, MM, together with all applicable reports of investigation and other pertinent records.

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4. b. (1) If the Chief, Personnel Branch, determines that final administrative action by his office is not feasible, he shall immediately forward the record directly to the Board for its consideration.

(2) The Board will make a preliminary review of each case and determine whether, in its opinion, there is sufficient evidence to warrant formal board proceedings and recommendations to the Director. If formal board proceedings are not considered feasible the chairman will return the records to the Chief, Personnel Branch, stating, over his signature, that in the opinion of the Board there is not sufficient evidence to warrant Board action in the case.

(3) If the evidence presented is considered sufficient for formal Board proceedings, the Chief, Personnel Branch, will be informed in writing by the chairman of the Board, who will instruct him to place the individual concerned on leave with pay under the provisions of this memorandum and transmit to him a written notice including the following information:

(a) That information has been presented to the Employment Review Board indicating the possibility that the termination of his employment with CIA may be necessary under the provisions of the law quoted in paragraph 1 of this memorandum.

(b) That his case will be considered by the Board within ten days after date of notification. (In cases of individuals who are employed by CIA in other than the Washington area, the period of time will be extended to three weeks to enable the individual concerned either to appear at his own expense or to submit a written statement for consideration).

(c) Inquiries in connection with suspension notices should be made to the Chief, Personnel Relations Division, Personnel Branch.

(d) The employee may submit to the Personnel Relations Division, Personnel Branch, a written statement to be considered by the Board or a request to appear in person before the Board. No individual will be brought to Washington at government expense to appear before the Board.

(e) The employee may resign without prejudice at any time prior to final action by the Director on recommendations submitted to him by the Board after completion of formal proceedings. However, action by the Director will be final, and in those cases where he directs termination, resignations will not thereafter be accepted.

4. b. (3) (f) When so instructed, more specific bases for Board action will be specified by the chairman of the Board to be included in the notice to the employee concerned.

c. The notices specified above will be sent by registered mail to the home address of the individual being placed on leave under these circumstances, with return receipt requested.

d. Prior to the dispatch of notices to individuals, the head of the office or staff section in which the individual concerned is employed will be notified personally, either verbally or in writing, by the Chief, Personnel Branch, of the action initiated.

5. The Executive for Inspection and Security may refer directly to the Board any case arising within the scope of his functions. In such cases action will be taken by the Board in the same manner as for cases covered under paragraph 4 above except that records which are returned by the chairman on the basis of insufficient evidence will be returned directly to the Executive for Inspection and Security.

6. The Chief, Personnel Branch, will:

a. Ascertain at the earliest practicable date, the names of individuals placed on leave under the provisions of this memorandum who desire to make statements in person before the Board, and will arrange a schedule for such appearances directly with the Board recorder.

b. Forward directly to the Board recorder written statements received from individuals placed on leave under the provisions of this memorandum.

7. In those cases where formal proceedings are decided on, the Board will give full consideration to each case, including voluntary written or verbal statements of individuals concerned, and such additional evidence as may be deemed necessary, and prepare a written recommendation to the Director. The recommendation will be signed by each voting member of the Board, noting concurrence or non-concurrence in each case. Any member including the Law member and the Advisor may append an individual signed comment. The complete record of each case considered by the Board will be attached to the Board's recommendations for the information of the Director.

8. The Director's determination in each case considered formally by the Board will be final. If his decision is to terminate employment, notice of separation to the Civil Service Commission will state only that separation is accomplished by order of the Director under authority granted by sub-paragraph (o) of Section 102 of the National Security Act of 1947, without further amplification.

R. H. HILLEKOSTTER
Rear Admiral, USN
Director of Central Intelligence

DISTRIBUTION: To all CIA employees

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